

**WAIVER/WITHDRAWAL OF APPELLATE RIGHTS IN GENERAL COURTS-MARTIAL  
SUBJECT TO EXAMINATION IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL**

*NOTE: See R.C.M. 1201(b)(1) concerning which cases are subject to examination in the Office of the Judge Advocate General. See R.C.M. 1110 concerning waiver or withdrawal of appellate review.*

I have read the attached action, dated \_\_\_\_\_ .

I have consulted with \_\_\_\_\_ , my (associate) defense counsel concerning my appellate rights and I am satisfied with his/her advice.

I understand that:

1. If I do not waive or withdraw appellate review -

- a. My case will be examined in the Office of the Judge Advocate General to determine whether the findings and sentence are legally correct and whether the sentence is appropriate.
- b. After examination in the Office of the Judge Advocate General and final action in my case, I may petition the Judge Advocate General for review under Article 69(b). Such a petition must be filed within 2 years after the convening authority took action in my case, unless I can show good cause for filing later.

2. If I waive or withdraw appellate review -

- a. My case will not be examined in the Office of the Judge Advocate General under Article 69(a), UCMJ.
  - b. My case will be reviewed by a judge advocate for legal error, and I may submit in writing allegations of legal error for consideration by the judge advocate.
  - c. After review by the judge advocate and final action in my case, I may petition the Judge Advocate General for review under Article 69(b). Such a petition must be filed within 2 years after the convening authority took action in my case, unless I can show good cause for filing later.
  - d. A waiver or withdrawal, once filed, may not be revoked.
3. Understanding the above, I hereby (waive my rights to appellate review) (withdraw my case from appellate review). I make this decision freely and voluntarily. No one has made any promises that I would receive any benefits from this waiver/withdrawal, and no one has forced me to make it.

\_\_\_\_\_  
TYPED NAME OF ACCUSED

\_\_\_\_\_  
RANK OF ACCUSED

\_\_\_\_\_  
SIGNATURE OF ACCUSED

\_\_\_\_\_  
DATE

## STATEMENT OF COUNSEL

*(Check appropriate block)*

- ☐ 1. I represented the accused at his/her court-martial.
- ☐ 2. I am associate counsel detailed under R.C.M. 1110(b). I have communicated with the accused's (detailed) (individual military) (civilian) (appellate) defense counsel concerning the accused's waiver/withdrawal and discussed this communication with the accused.
- ☐ 3. I am substitute counsel detailed under R.C.M. 1110(b).
- ☐ 4. I am a civilian counsel whom the accused consulted concerning this matter. I am a member in good standing of the bar of \_\_\_\_\_.
- ☐ 5. I am appellate defense counsel for the accused.

I have advised the accused of his/her appellate rights and of the consequences of waiving or withdrawing appellate review. The accused has elected to (waive) (withdraw) appellate review.

\_\_\_\_\_  
TYPED NAME OF COUNSEL

\_\_\_\_\_  
UNIT OF COUNSEL

\_\_\_\_\_  
RANK OF COUNSEL

\_\_\_\_\_  
BUSINESS ADDRESS *(If Civilian Counsel)*

\_\_\_\_\_  
SIGNATURE OF COUNSEL

\_\_\_\_\_  
DATE